



United States  
Department of  
Agriculture

Food and  
Nutrition  
Service

Mountain  
Plains  
Region

1244 Speer Boulevard  
Denver, CO 80204-3585

Reply to  
Attn. of:

CACFP-590

SEP 20 1999

Subject:

Timing of Corrective Action in Serious Deficiency Cases

To:

STATE AGENCY DIRECTORS - Colorado DPHE, Iowa, Kansas,  
(Child Nutrition Programs) Missouri DH, Montana DPHSS,  
Nebraska ED, North Dakota,  
South Dakota, Utah and  
Wyoming ED

As you know, Regulations at 7 CFR 226.6(c) give State Agencies (SAs) the responsibility to terminate child care institutions that the SA determines to have been seriously deficient in the operation of one of the Child Nutrition Programs. Before the SA can terminate an institution, it must give the institution "every reasonable opportunity" to correct its problems. That means that the State must give the institution complete notice of what the problems are that have given rise to the finding of serious deficiency, the steps that the institution must take in order to correct the problems, and how much time the institution has to correct them. The institution must also be given notice that if it does not correct the problems within the specified period of time, it will be terminated from the Program. We have had a number of questions about how much time the SA must allow for corrective action before terminating an institution.

There is no definitive amount of time that institutions must be given in order to complete corrective action. The amount of time needed depends on the nature of the problem giving rise to the finding of serious deficiency and the corrective action necessary. It would take a child care center much longer to correct accounting system problems than to serve larger portion sizes. In each instance, the SA would establish a reasonable fixed period of time by which corrective action must be achieved. In some cases it may be appropriate to give as little as twenty-four hours for corrective action. For example, when a director or other principal in a child care institution is indicted for fraud relating to one of the child care programs, the corrective action would require a showing that the indicted individual has been removed from the principal position. It is reasonable that this action would not take more than twenty-four hours.

State Agency Directors

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We hope this information is helpful. Please feel free to contact our staff at (303) 844-0359 if you have any questions or require further clarification on these issues.

*for* *Jo Ellen Collins*  
ANN C. DEGROAT  
Regional Director  
Child Nutrition Programs